

STATE OF CALIFORNIA  
FISH AND GAME COMMISSION  
INITIAL STATEMENT OF REASONS FOR REGULATORY ACTION  
(Pre-publication of Notice Statement)

Amend Section 28.20  
Title 14, California Code of Regulations (CCR)  
Re: Pacific Halibut Season and Size Limit

I. Date of Initial Statement of Reasons: July 11, 2006

II. Dates and Locations of Scheduled Hearings:

- |     |                      |           |                  |
|-----|----------------------|-----------|------------------|
| (a) | Notice Hearing:      | Date:     | August 4, 2006   |
|     |                      | Location: | Sacramento, CA   |
| (b) | Discussion Hearings: | Date:     | October 6, 2006  |
|     |                      | Location: | San Diego, CA    |
|     |                      | Date:     | November 3, 2006 |
|     |                      | Location: | Redding, CA      |
| (c) | Adoption Hearing:    | Date:     | December 8, 2006 |
|     |                      | Location: | Santa Monica, CA |

III. Description of Regulatory Action:

- (a) Statement of Specific Purpose of Regulation Change and Factual Basis for Determining that Regulation Change is Reasonably Necessary:

Regulations of Section 28.20, Title 14, CCR, specify a season, bag limit, and a 32-inch minimum size limit for Pacific halibut for California's recreational fishery. The Department proposes the Fish and Game Commission amend these regulations to make them consistent with new federal regulations established by the International Pacific Halibut Commission (IPHC) that became effective for federal waters off California (beyond three miles) in March of 2006.

The proposed change would extend the open sportfishing season for Pacific halibut one month, so that fishing would be permitted from May 1 through October 31 each year. Additionally, the IPHC has eliminated the minimum size limit in federal waters off California. This was done because the original intent of the size limit was to slow catch rates, and under present biomass levels and management strategies, there is not a need to slow catch rates in the recreational fishery off California.

Pacific halibut are primarily targeted off Alaska, Washington and Oregon, where they are more abundant, and northern California is the southernmost portion of their range. In California, Pacific halibut are a species that are generally taken incidental to other fisheries, and occur only rarely in sport catches. Between 1980 and 2005, only 21 Pacific halibut were observed statewide by creel census samplers who work year-round surveying sport-caught fish at all major marine recreational fishing sites in California. Moreover, during the same time period, anglers only reported catching 13 Pacific halibut that were released.

The Department is aware of only a few small charter businesses that target Pacific halibut in the Fort Bragg and Crescent City areas. However, extension of the open season and elimination of the minimum size limit might allow for minor increases in fishing opportunity for

this species in northern California.

(b) Authority and Reference Sections from Fish and Game Code for Regulation:

Authority: Sections 200, 202, and 205, Fish and Game Code.

Reference: Sections 200, 202, 205, 206, 209, 210, 215, 218, and 220, Fish and Game Code.

(c) Specific Technology or Equipment Required by Regulatory Change:

None.

(d) Identification of Reports or Documents Supporting Regulation Change:

None.

(e) Public Discussions of Proposed Regulations Prior to Notice publication:

None.

IV. Description of Reasonable Alternatives to Regulatory Action:

(a) Alternatives to Regulation Change:

No alternatives were identified.

(b) No Change Alternative:

Should the Commission select the No Change Alternative, state and federal regulations defining the Pacific halibut season and size limit would conflict, causing public confusion and difficulty for enforcement.

(c) Consideration of Alternatives:

In view of information currently possessed, no reasonable alternative considered would be more effective in carrying out the purposes for which the regulation is proposed or would be as effective and less burdensome to the affected private persons than the proposed regulation.

V. Mitigation Measures Required by Regulatory Action:

The proposed regulatory action will have no negative impact on the environment; therefore, no mitigation measures are needed.

VI. Impact of Regulatory Action:

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

(a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete

with businesses in other states. If there is any economic impact that might result from the proposed change, it would be positive in nature.

(b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None

(c) Cost Impacts on a Representative Private Person or Business:

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

(d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

None.

(e) Nondiscretionary Costs/Savings to Local Agencies:

None.

(f) Programs Mandated on Local Agencies or School Districts:

None.

(g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4:

None.

(h) Effect on Housing Costs:

None.

### Informative Digest/Policy Statement Overview

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Minor changes are proposed to improve the clarity of the regulations.